

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Re: Attorney Docket No. 1043.001

Inventor(s): Stephen L. Biracree, Azzedine Touzni, Thomas J. Endres, Christopher H. Strolle, Samir N. Hulyalkar, and Raul A. Casas

Serial No.: 09/761,303
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Group Art Unit: 2631
Examiner: Kevin Burd
Phone No.: 571-272-3008

For: Blind Cost Criterion Timing Recovery

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Notice of Allowability mailed on 09/26/05 contains an Examiner's Statement of Reasons for Allowance. In that Statement, the Examiner stated: "Paik does not disclose forming an approximation of a derivative of the received signal with respect to the sampling phase as stated in claims 1, 2 and 4-42."

First of all, while it is true that independent claims 1, 19, and 39 recite forming "an approximation of a derivative of the received signal with respect to the sampling phase," that phrase does not appear in either claim 41 or 42. In fact, claim 41 does not even recite "a derivative of the received signal with respect to the sampling phase." To that extent, the Applicant objects to the Statement.

Furthermore, the Statement cites only a portion of the claim language from independent claims 1, 19, and 39. The Applicant submits that those independent claims recite additional language. To that extent, the Applicant also objects to the Statement.

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Certification Under 37 CFR 1.8

Date of Deposit October 6, 2005.

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

MARY E. CANIZ.
(Name of person mailing)


Mary E. Caniz.
(Signature of person mailing)

In general, to the extent that the Statement differs from the language of any of the independent claims, the Applicant rejects any narrowing or limitations that might possibly result from such differences.

For each of these reasons individually and for all these reasons collectively, the Applicant objects to the Statement.

Respectfully submitted,

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